

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CRESONDRA VALENTINE,

Plaintiff,

Case No. 3:11-cv-250

vs.

Judge Thomas M. Rose

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Magistrate Judge Sharon L. Ovington

Defendant.

**ENTRY AND ORDER OVERRULING VALENTINE’S OBJECTIONS
(Doc. #19) TO THE MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATIONS (Doc. #18) IN ITS ENTIRETY;
AFFIRMING THE COMMISSIONER’S FINAL NON-DISABILITY
DETERMINATION AND TERMINATING THIS CASE**

Plaintiff Cresondra Valentine (“Valentine”) brought this action pursuant to 42 U.S.C. § 405(g) for judicial review of the decision of the Defendant Commissioner of Social Security (the “Commissioner”) that she is not disabled and, therefore, not entitled to Social Security disability benefits. On July 18, 2012, United States Magistrate Judge Sharon L. Ovington entered a Report and Recommendations (doc. #18) recommending that the Commissioner’s Decision be affirmed. Valentine subsequently filed Objections (doc. #19) and the Commissioner responded to Valentine’s Objections (doc. #20). This matter is, therefore, ripe for decision.

Valentine sought financial assistance from the Social Security Administration by applying for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”) in July of 2006 alleging disability since August 17, 2000. Valentine claims disability due to

depression, a back injury and anxiety.

The Commissioner denied Valentine's application initially and on reconsideration. Administrative Law Judge ("ALJ") Janice M. Bruning ("Bruning") held a hearing, and subsequently determined that Valentine was not disabled. The Appeals Council denied Valentine's request for review and ALJ Bruning's decision became the Commissioner's final decision. Valentine then appealed to this Court pursuant to 42 U.S.C. § 405(g).

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Based upon the reasoning and citations of authority set forth in the Magistrate Judge's Report and Recommendations (doc. #18) and in Valentine's Objections (doc. #19) and the Commissioner's Response (doc. #20), as well as upon a thorough de novo review of this Court's file and a thorough review of the applicable law, this Court adopts the aforesaid Report and Recommendations in its entirety and, in so doing affirms the Commissioner's decision that Valentine is not disabled in accordance with Social Security regulations.

WHEREFORE, Valentine's Objections to the Magistrate Judge's Report and Recommendations are OVERRULED, and this Court adopts the Report and Recommendations of the United States Magistrate Judge (doc. #18) in its entirety. The Commissioner's decision that Valentine is not disabled in accordance with Social Security regulations is affirmed. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-Eighth Day of August, 2012.

s/Thomas M. Rose

JUDGE THOMAS M. ROSE
UNITED STATES DISTRICT COURT

Copies furnished to:
Counsel of Record